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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Yolo)

THE PEOPLE,

Plaintiff and Respondent,

v.

CAMRON DONTRA STROUGHTER,

Defendant and Appellant.

C070601

(Super. Ct. No. CRF 09-4246)

Defendant Camron Dontra Stroughter contends that after revoking his probation and sentencing him to prison, the trial court erred in imposing (1) a second, higher restitution fine, and (2) a parole revocation fine higher than the original restitution fine. Defendant also contends the \$40 court security fee imposed by the trial court should be reduced to \$30. The People agree and so do we. We will affirm the judgment as modified.

**BACKGROUND**

In January 2010, defendant pled no contest to making criminal threats. He was granted three years' formal probation, and the court imposed a restitution fine of \$200

pursuant to Penal Code section 1202.4, subdivision (b).<sup>1</sup> It did not impose any court security fee pursuant to section 1465.8.

In January 2012, defendant admitted violating his probation. The trial court sentenced defendant to state prison. Apparently recognizing that the Legislature had increased the minimum restitution fine in the interim, the trial court imposed at sentencing a \$240 restitution fine pursuant to section 1202.4, subdivision (b), and, because defendant was now sentenced to state prison, imposed (and stayed) a parole revocation fine pursuant to section 1202.45 in the same amount. The trial court also imposed a \$40 “operations assessment” pursuant to section 1465.8.

### **DISCUSSION**

In March 2010, when defendant was originally sentenced, section 1202.4, subdivision (b)(1), provided for a minimum restitution fine of \$200 for a person convicted of a felony. (§ 1202.4, former subd. (b)(1), as amended by Stats. 2009, ch. 454, § 1, eff. Jan. 1, 2010)

If a person is committed to state prison and his sentence includes a period of parole, section 1202.45 requires the trial court to impose a parole revocation fine “in the same amount as” the restitution fine imposed under section 1202.4, subdivision (b). The section 1202.45 fine must consequently also be reduced to \$200. The triggering event for imposition of the section 1202.4 restitution fine is conviction and a restitution fine imposed as a condition of probation survives the probationary term. (*People v. Chambers* (1998) 65 Cal.App.4th 819, 822.) Accordingly, we will modify the judgment, reducing the section 1202.4 restitution fine to \$200 (the amount originally imposed).

The parties are also correct that the \$40 court security fee imposed should be reduced to \$30. The version of section 1465.8, subdivision (a)(1), in effect in 2010

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<sup>1</sup> Further undesignated section references are to the Penal Code.

provided for a \$30 court security fee per conviction. (§ 1465.8, former subd. (a)(1), as amended by Stats. 2009, ch. 342, § 5, eff. Jan. 1, 2010.) The Legislature intended the statute to apply as of the date of conviction (*People v. Alford* (2007) 42 Cal.4th 749, 754), and defendant was convicted in 2010 when he entered his no contest plea. (*People v. Davis* (2010) 185 Cal.App.4th 998, 1001.) Although the Legislature later amended section 1465.8, subdivision (a)(1), to increase the court security fee to \$40 (Stats. 2010, ch. 720, § 33, eff. Oct. 19, 2010), that amendment was not in effect at the time of defendant's conviction. The court security fee, reflected in the court's judgment and on the abstract of judgment, must be reduced from \$40 to \$30.

### **DISPOSITION**

The judgment is modified to reduce to \$200 the section 1202.4, subdivision (b), restitution fine and the section 1202.45 parole revocation fine, and to reduce to \$30 the section 1465.8 court security fee. As modified, the judgment is affirmed. The trial court is directed to correct the minute order of sentencing and the abstract of judgment to reflect the changes in judgment, and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

BLEASE, Acting P. J.

We concur:

BUTZ, J.

HOCH, J.